"EQUAL RIGHTS FOR AGRICULTURAL WORKERS"

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OFFITT SAINTING

LATE FLASH: Al Krebs, free lance writer of San Francisco, believes it would be a good idea for California friends of farm labor, whatever their party, to write in the name of Cesar Chavez for Governor in the June primary. Krebs tells us that he has asked Chavez if he has any strenuous objections. The word is that, while Chavez does not actively approve, he does not actively oppose Keebs' idea.

FARM LABOR "Equal Rights for Agricultural Workers"

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Editor: Henry Anderson

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CONTENTS

Editorials
Years of Pilgrimage
The Uses of History
Articles
Senators In Our Fields, by Polites 7
Day by Day with the FWA
Big Dent on Poverty Or Little Dent?
by Cassandra P. Skeptick
Special Feature
CFL Testimony for U.S. Senate Subcommittee on
Migratory Labor, by Arthur Brunwasser
Department
Report to The Subscriber

Cover: Dolores Huerta, NFWA Vice President, on the picket line in her rebozo. By Henry Anderson, after a photograph by George Ballis.

Entire contents labor donated. Special thanks, this issue, to Gordon Smith, Dorothy Kauffman, Tom Winnett, and CNVA-West.

REPORT TO THE SUBSCRIBER

The last issue of Farm Labor was "put to bed" on March 7. This issue should reach you on or about May 2. The intervening eight weeks have been perhaps the most densely packed in the long history of the farm labor movement. When the books and doctoral dissertations are written on this movement in years to come -- and, believe us, they will be -- they may well single out this period, the early spring of 1966, as pivotal: the point at which, after many a false start, the tide really did turn and begin to roll back.

Since this is neither a book nor a doctoral dissertaion, we can only begin to hint at some of the breadth and richness and significance of the events of the past two months. In preparing the 26 pages of this issue, we have had to condense a stack of material literally eight inches thick.

* * * * *

Katherine Fernandez of Berkeley, a long-time member of Citizens for Farm Labor, writes, "Thought you might want to publish the Co-op membership number of the NFWA: 47947. My husband and I obtained this membership in the name of Cesar Chavez...early this month (with the consent of Mr. Chavez)." Excellent idea, Kathy. To all our readers who are also members of the Berkeley Co-op: copy this number, and paste it in your hatband. Remember it when the clerk asks, "Your number?"

* ** * * *

Professor Charles Muscatine, University of California, Berkeley, has announced 42 recommendations of a Select Committee to improve the quality of the education offered at the "multiversity." Recommendation 25 would grant academic credit for "a limited amount of supervised field study." "This could, for example, involve field work with the striking grape workers at Delano, members of the Committee agreed yesterday. 'Providing the thrust of the program was education, it would be a sound program,' said Professor Leo Lowenthal of the department of sociology. 'Education is always political,' Muscatine noted." (Daily Californian, March 18, 1966.)

* * * * *

The foregoing item ties in beautifully with the following. The NFWA has announced a Student Summer Project, endorsed by National Student Association, Young Christian Students and other campus groups. June 19-25, Cesar Chavez and staff and student leaders will lead six days of briefing and training in the strike area. Then, until approximately September 1, the "summer's job" is defined as: "1. National boycott of Delano growers' products. Working with NFWA staff. 2. Student-farm worker teams covering California, the Southwest and Mexico to stop the strikebreakers from coming to Delano. 3. Carrying the strike and the cause to every farm worker home." There is a \$10 registration fee for the training session, but NFWA will provide subsistence for the remainder of the summer.

Those who are interested should write immediately to P.O.Box 130, Delano.

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CFL's next general meeting will be held May 4, at 8:00 p.m., at 1615 Bonita St. Bekkeley. The speaker will be Don Vial, former Director of Research for the California Labor Federation, now Chairman of the Center for Labor Research and Education, UC, Berkeley. Vial will speak on "DiGiorgio: Who Runs California?"

Speaker at the meeting on June 1 (same time, same place) will be Alex Hoffman, volunteer attorney for NFWA, who helped negotiate the April 6 agreement with Schenley Industries, Inc.

We do not tell anyone how to vote, but in the interests of purely factual reporting, from time to time we pass on information which you may wish to take into consideration as you evaluate various candidates for various offices. The following candidates, running for statewide nominations in the June primaries. took part at one time or another in the March 17 - April 10 pilgrimage to Sacramento and/or its attendant rallies.

Democrat: Carlton Goodlett

Republican: None

Lieutenant Governor:

Democrat: Thomas Braden
Republican: None

Attorney General:

Democrat: William Bennett
Republican: None

Controller:

Controller:

Democrat: None
Republican: None

Treasurer:

Democrat: None
Republican: None

Secretary of State: Democrat: (Unknown) Republican: None

> Superintendent of Public Instruction: Superintendent of Public Instruction:
> (Non-partisan): None

The number of condidates for local offices who took part was so great that we cannot name them all, and to name any would be unfair to the others. If you are in doubt, ask your candidates for Congress, and the state Assembly and Senate exactly what they will do for farm workers if elected. Don't let them hedge!

* * * * * *

Speaking of politics, we see that our old friends/ COPE (the AFL-CIO Committee on Political Education) don't charge a bit with the years. At COPE's biennial Preprimary Endorsement Convention, in the Sheraton-Palace Hotel, April 8, Harlan Hagen, one of the most dangerous enemies farm workers have in the nation at this time, was endorsed for Congress in the 18th C.D. And, as happens every two years, a Republican, Alan Pattee, got the endorsement in the 34th Assembly District (Monterey County). Apparently, Pattee once voted to give the State Federation of Labor what it wanted for urban workers, and COPE is still paying on · this political debt, despite the fact Pattee is one of the state's most vocal proponents of the bracero system and in many other ways has shown himself to be an antagonist of farm workers who make up the majority of the workers in his own district,

The final irony is that the state COPE director has for years been C. Al Green - who, since 1962, has doubled in brass as director of the Agricultural Workers Organizing Committee.

* * * * *

YEARS OF PILGRIMAGE

An Editorial

In a real sense, the farm labor movement in California has always been a pilgrimage. The Latin roots of the very word, pilgrim, have an agricultural ring to them: per, through; ager, the land.

The crews of Japanese contract laborers who first withheld their labor, nearly seventy five years ago, were pilgrims. The Wobblies who tried to build "one big union" of agricultural migrants, lumberjacks, longshoremen, and other casual workers, fifty years ago and more, were pilgrims. The Mexicans who established mutual aid societies in the Imperial Valley, in the late 1920's, were pilgrims, So were the radicals who attempted to use agricultural laborers as a proletarian vanguard in the 1930's; so were the Filipinos who have been organizing themselves and attempting to improve their condition for more than thirty years, and are still at it; so were FTA and UPWA; so were Hank Hasiwar and Ernesto Galarza and others of the National Agricultural Workers Union; yes, and so was the Agricultural Workers Organizing Committee.

It's a long roll call. You've probably never heard most of the names. Jules Nathan; Vance Ambrose; Bill Swearingen; Cipriano Delvo; Rudy Nachor; Doug Still, who built the California Migrant Ministry into a force for the social gospel while Chris Hartmire was still in theological school; Thomas McCullough, who built the first Farm Workers Association, in Stockton, four years before Cesar Chavez began in Delano.

Pilgrims. All of them, pilgrims.

And now, at last, the high, cruel, untracked mountains, and the broad, barren places have been crossed, and there, ahead, across those gentler foothills, the end of this long pilgrimage seems to be in sight. A little shrouded: a years journey yet? two years journey? but dimly in view at last.

By comparison, with all that has gone before, the way seems clear, and it seems downhill. But, in the eminences from which we pilgrims now look down, the air is rarified, and the senses may be deceived. The most difficult period in the career of any social movement, in some respects, is the last 5% of the journey, the last few miles, the last few steps from outside the gates to inside the gates of Mecca. This is the time when pilgrims may drop away, thinking their task is done when it is not. This is the time when self-congratulation, or fatigue, or late-arriving opportunists, may obscure the purposes with which the pilgrimage began.

Social movements (and every reform movement is a pilgrimage) have been known to lose their souls even as they entered the shrine. Let us pilgrims of the farm labor movement think on these things, and breathe deeply for a moment in this rarified air, before we begin the trek downward toward that long-sought land that lies ahead.

In some cases, past governors' efforts have borne little or no apparent fruit. But it is better to have conciliated and lost than never to have conciliated at all And, even when the accomplishments were not immediately visible, it is almost certain that the governors' attempts kept the bitterness and violence below what they might otherwise have been. The following examples come from the official record of hearings by a U.S. Senate Subcommittee, (commonly known as the LaFollette Committee), held in 1939-40.

- 1. In April, 1937, there was a bitter strike in Stockton, involving growers and processors on the one hand, and field and cannery workers on the other. Governor Frank Merriam (a conservative Republican) called representatives of both sides into his office for a series of meetings covering four days. According to sworn testimony, "...the Governor acted as a mediator at all times and tried to bring about some kind of a solution. ...he made various propositions... One proposal was that they accept the National Labor Relations Board as a solution. The second proposal was that there be a mediation commission appointed. The third proposal was that the Processors & Growers appoint two, labor appoint two, and the Governor would appoint the fifth, and that would be the committee to (negotiate)." The workers' representatives were willing to accept any of these approaches, but the employers' representatives rejected them all. (LaFollette Hearings, pp. 18300-18301.)
 - 2. In July, 1939, there was a strike of pear pickers in the holdings of the DiGiorgio Fruit Corporation, near Marysville. The Governor at that time, Culbert Olson (a liberal Democrat), attempted to conciliate or mediate the dispute personally, but in the words of his own testimony, "my efforts...were opposed from the outset by the employer involved." (LaFollette Hearings, pp. 17253-17254.)
 - 3. In September, 1939, it was obvious that a strike was brewing among cotton pickers of the Madera area. Since there was no statutory bargaining machinery then as now, Governor Olson took it upon himself to appoint a cotton wage hearing board "to recommend what would be a fair wage and fair conditions of work for this

labor operation during the current season. The seven-man board held hearings in Fresno on September 28 and 29. It included three persons known to be prolabor (Carey McWilliams, H.E.Erdman, and H.C.Carrasco), and three known to be pro-grower (Ray Wiser, President of the California Farm Bureau Federation; George Sehlmeyer, Master of the State Grange; and William Parker, Director of the California Department of Agriculture). Unfortunately, the Governor appointed as the seventh member an agricultural economist, from the Giannini Foundation of the University of California, apparently in the naive assumption that he was an objective scholar and would be neutral. The resulting four-man pro-grower majority, led by Dr. R.L.Adams, voted to make no wage or other recommendations at all. The threeman minority, led by McWilliams, recommended \$1.25 a hundredweight, rather than the 80¢ which the Agricultural Labor Bureau had fixed as the "prevailing rate." (For forty years, the Agricultural Labor Bureau, based in Fresno, has unilaterally fixed wages in the central San Joaquin Valley, provided propaganda, and recruited strikebreakers. It is the principal front for the Delano grape growers today.) In October, workers struck, asking for \$1.25 a hundred. The Governor continued. his efforts, sending a personal representative, Col. Charles Henderson, to meet with both sides. Growers rejected Col. Henderson's overtures, and on October 21, a large number of them armed themselves and descended on a peaceable meeting of strikers in a public park in Madera. (The full story of this strike, and the Governor's efforts to prevent, and then end, it may be found in Part 51 of the LaFollette Committee hearings.)

4. In October, 1933, the largest and bloodiest strike in the history of American agriculture took place, involving 10,000 cotton pickers in Kern, Kings, and Tulare Counties. The Governor, James Rolph (a Republican), made repeated efforts to end it, and on the third attempt succeeded. On October 11, he asked the State Labor Commissioner to seek a settlement. The Agricultural Labor Bureau (yes, our same old friends) spurned the overtures as usual. A few hours later, three workers were shot dead and many wounded in an ambush by growers in Pixley. (The growers were subsequently acquitted.) On October 22, the Director of the California Department of Industrial Relations made another effort, again unsuccessfully. Then the Governor appointed a three-man commission, comprised of Prof. Ira Cross (U.C. Professor of Economics), Dr. Tully Knowles (President, College of Pacific, and an ordained Methodist minister), and Archbishop Edward Hanna (San Francisco). After public hearings, this commission recommended 75¢ a hundredweight. (The growers were offering 60¢, and the strikers were asking \$1.00.) Within three days, the strikers had accepted this recommendation. The employers delayed for another two days, but public pressure was so great that they, too, accepted. The huge, bloody strike was over within a week from the time the Governor first appointed his commission -- even though, strictly speaking, it had no legal status and no authority binding on anyone. (The full story of this strike and its termination was written by Paul Taylor and Clark Kerr (!!) and may be found in Part 54 of the LaFollette Committee hearings, pp. 19947-20036.)

Mistory has many uses, and one of them, at the moment, is to show how power-ful are the good offices of the Governor when he really wants to employ them.

Another is to expose, quite pitilessly, how threadbare is Governor Brown's pretense that there is nothing he can or should do to return industrial peace to Delano.

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SENATORS IN OUR FIELDS by Polites

With very little advance notice, the Senate Subcommittee on Migratory Labor, chaired by Harrison Williams (Dem., N.J.), conducted hearings in California on March 14, 15, and 16. There was much scurrying around, and long distance telephoning, to get space on the subcommittee calendar. It would be difficult to say on what basis some of the final choices were made.

Governor Brown did not testify in person. According to a release from his office, March 14, "The governor is in Washington, D.C., on state business." (The business turns out to have been (1) a briefing by LBJ on the Viet Nam war. Brown joined with 39 other governors in voting to "wholeheartedly support and indorse" Johnson's Viet Nam policies as "the only rational policies to be followed under the circumstances." (2) A "reasting" at the annual satirical review of the Gridiron Club.) In any case, the governor's statement, read on his behalf, supported all five of the Williams package of bills.

Cesar Chavez was given a bad time by Sen. George Murphy, and Congressman Harlan Hagen allowed to sit with the subcommittee as a matter of congressional courtesy. According to the California Farmer, April 16, 1966, Hagen "called (Chavez) to account for allegedly misrepresenting the earnings of workers. ... Chavez... disclaimed responsibility for the content of El Malcriado, which he said is not published by NFWA, but by a separate corporation." Then, "Hagen attempted to question Chavez about an alleged Communist who assertedly had been active in the Delano area picketing. He was squelched, however, by Senator Harrison Williams..."

The star of the first day's show was Harry Bridges, President of the ILWU, who was able to testify from the experience of his own union in Hawaiian sugar and pineapple, that the unionization of field workers is perfectly feasible, and redounds to the benefit of everybody concerned. Bridges, apparently testifying off-the-cuff, engaged in good ratured banter with the subcommittee members. For example, "President Bridges drew laughter from the audience when he jibed at Senator George Murphy who once was a member of the Screen Actors! Guild, 'You put the longshore hiring hall in Hollywood and called it Central Casting.'" (The Dispatcher, March 18, 1966.)

The first day's allotment of growers (Lester Heringer, J.J.Miller, Ed Hayes, Nat Scatena, Jack Baillie, Allan Grant, and Assblymn. John Veneman) complained bitterly that they weren't given enough "prime time." Heringer, among other things, called for discontinuance of the Farm Placement Service (which Hayes used to head). Other grower witnesses concurred -- making this one of the few issues on which NFWA, CFL, the California-Arizona Farm Labor Association, and California Farm Bureau Federation can agree. Our reasons, however, are not identical.

J.J.Miller, spokesman for Southern California citrus interests, said, "Any regulation of farm labor should be under state law, since states know most about their own problems." This is a very interesting development. For years, such spokesmen have cynically claimed support for the Federal approach -- knowing full well the Federal approach had no chance. But now that farm labor legislation is at last being discussed seriously in the national Congress, the growers suddenly become very concerned about state's rights. Next year, when farm labor legislation is being discussed seriously both in Washington and in Sacramento, Mr. Miller and his friends are going to be in a pitiable bind. Perhaps they will then decide that it is, after all, a matter for county governments!

The second day, March 15, the subcommittee visited the usual examples of bad and not-so-bad farm labor housing, and held a hearing in Visalia. The day was highlighted by the appearance of Sen. Robert Kennedy, who said, "If we can get a man on the moon by the end of the 1960s...it seems we should be able to work out collective bargaining for farm workers after talking about it for 30 years."

The third day, and in several respects the most interesting, the subcommittee met in Delano. Bishop Hugh Donohoe of Stockton, speaking on behalf of the entire Catholic hierarchy of California, spoke for unionization of agricultural workers as "a first and a giant step toward a solution" of the farm labor problem. He said, "It is becoming evident that unless farm workers are given the change to organize, they are going to become the wards of the State." Speaking for all the bishops of California, Donohoe also supported a minimum wage, and the other Williams bills. This official stand, the first of its kind ever taken, bespeaks an enormous amount of painstaking education and diplomacy within the Church, carried on by a small handful of priests who prefer to remain anonymous, but who are among the very best friends the farm labor movement will ever have.

Sen. Kennedy locked horns with the Sheriff of Kern County over procedures used last fall in the arrest of large numbers of pickets, including ministers. Kennedy suggested that the Sheriff and the county District Attorney would do well to "read the Constitution of the United States."

Martin Zaninovich, Delano grape grower-packer-shipper, told the subcommittee that the strike is a "fiction" concocted by "outside agitators."

The California Farmer (April 2, 1966) said, "More effective, perhaps, than any of the testimony, was the huge turnout of local residents and non-striking farm workers at the final session in the Delano High School Auditorium... Williams repeatedly warned the onlookers that the cheering and demonstrations could not be tolerated. We'll confess it was a bit overenthusiastic... One farm labor association manager termed it 'the best day agriculture has had in my 10 years of experience.' ...we predict the Williams subcommittee will not soon again visit California."

Whatever the long range effect of the hearings, it seems clear that the fact they were held where they were, when they were -- indeed, the fact that they were held at all -- should be viewed as another accomplishment of NFWA and AWOC and their steadfastness since last September.

If you are interested in the full transcript of the hearings, we suggest you write to Fred Blackwell, General Counsel of the Subcommittee on Migratory Labor, New Senate Office Building, Washington, D.C. Or write to your own senator.

Dorothy Kauffman, of Citizens for Farm Labor, attended the March 16 hearing, but there was not time for her to present her testimony orally. The following statement was therefore submitted by CFL for the record. It was prepared principally by Arthur Brunwasser, CFL Vice-Chairman and Counsel.

STATEMENT PRESENTED TO U. S. SENATE SUBCOMMITTEE ON MIGRATORY LABOR MARCH 16, 1966, DELANO, CALIFORNIA

Citizens for Farm Labor is an organization composed of persons concerned with the working and living conditions of agricultural laborers in California and throughout the United States. We are privileged to have on our advisory board, among others, two U. S. congressmen, Phillip Burton and Henry Gonzalez; four California Assemblymen, Willie Brown, John Burton, William Stanton, and Alfred Song; authors Paul Jacobs and Michael Harrington; Professors Marshall Windmiller and Joseph Tussman; the President of the California Democratic Council, Gerald Hill; a grower; and a number of agricultural workers.

As our slogan, "Equal rights for agricultural workers" suggests, we view the farm labor movement as part of the civil rights movement. The purposes of Citizens for Farm Labor are to seek, through public education and legislative change, the kind of equality for agricultural workers which we believe is called for by the 14th Amendment to the U.S. Constitution.

It is appropriate that such an organization came into existence in California, for the same reason that it is peculiarly appropriate that the Subcommittee on Migratory Labor is holding its present series of hearings in California. This state, whatever its claims to pre-eminence in the space and aeronautics industry, as an entertainment capitol, and the like, is perhaps above all else the bellwether of the industry which is the largest and most vital in the country, and which promises to continue to be the largest and most vital for the indefinite future: agriculture.

For better or for worse, it is California which sets the pace. For example, California used all the braceros which were used anywhere in the United States last year, and will single-handedly attempt to keep that dark system in existence this year. On the more positive side, it is California which has demonstrated, for nearly five years now, that, despite predictions to the contrary, it is perfectly possible to administer a program of social insurance covering all agricultural workers: a Disability Insurance system (for which, incidentally, the workers themselves pay all the costs), providing temporary compensation for off-the-job injuries. To cite a final example: California is at this very moment demonstrating more vividly than any other state—with the possible exception of Mississippi—the necessity for covering the New Agriculture with orderly collective bargaining requirements.

There are a number of facets of the root problem -- unequal protection of the law -- on which we shall not comment, for we understand that they do not come within the scope of this hearing. We shall not comment on government-subsidized labor supplies, foreign or domestic, important as that question is; and we shall not comment on the exclusion of agricultural workers from unemployment insurance, important as that is. We shall confine our remarks to the subject matter of S. 1864, 1865, and 1866.

S. 1864 and S. 1865

We shall combine these two topics, since they propose to amend a single piece of legislation, the Fair Labor Standards Act of 1938.

Congressional intent underyling the enactment of the Fair
Labor Standards Act was to facilitate interstate commerce, under
the "commerce clause" of the Constitution, by eliminating "inadequate
wages, excessive hours of work, and oppressive child labor" which
Congress found "detrimental to the...health, efficiency, and
general well-being of workers"; "prevent the stabilization of
competitive wage rates and working conditions within and between
industries"; "depress the purchasing power of wage earners";
"cause diminution of employment"; "aggravate business recessions
and depressions"; "burden commerce and the free flow of goods in
commerce"; "constitute an unfair method of competition in commerce";
"lead to labor disputes burdening and obstructing commerce and the
free flow of goods in commerce"; and "interfere with the orderly
and fair marketing of goods in commerce."

All of these conditions are obviously found in industrialized agriculture. But in the 1930's, Congress did not apply its public policy to agriculture because agricultural employment was not thought to be subject to the "evils of sweatshop conditions of long hours indoors at usual wages." Another rationale, employed at the time, was that wage and hour provisions were inapplicable because of the seasonal nature of this occupation. 2

Child labor provisions were included in the Fair Labor Standards
Act for both economic and social reasons. Congress considered it
desirable to protect children themselves against harmful labor, and
also to protect adult employees from the competition of minors.

Congress intended to keep "the arteries of commerce free from pollution
by the sweat of child labor" -- but, for some reason, considered
pollution by children performing agricultural labor acceptable, so long
as it did not occur during actual school hours.

The logical absurdities, and quite possible unconstitutionality, of these discriminations are in themselves more than sufficient reason for their removal. But we might call attention, too, to a point which is less often noted. The attempt to enforce the agricultural exclusion from the Fair Labor Standards Act has led into administrative and judicial thickets which alone ought to commend to everybody concerned the elimination of the discrimination.

The Act does not distinguish between large and small farms or between mechanized and non-mechanized agriculture. 5 Activity performed "on a farm as an incident to or in conjunction with...farming operations" is construed as a necessary part of the agricultural enterprise and therefore excluded from the Act, 6 although activities physically taking place on the farm, but not related to agricultural production, would be covered. Thus, railraod workers would be excluded on a farm (and it is commonplace for California's big farms to have their own railroad sidings). Truck and bus drivers engaged in the transporting of farm equipment, supplies, and manpower to and from the fields would be excluded. Mechanics in repair shops on the farm are excluded. Workers in a factory which processes, refines, or otherwise deals with agricultural commodities are excluded if such factory is within the "area of production." (However, truck drivers, cannery workers, etc. do not usually suffer the same wages and conditions as agricultural workers, because, unlike field workers, they are not excluded from the second great pillar of this country's labor standards: the Labor-Management Relations Act. Union-negotiated wages are, of course, usually far in excess of the minimum set by the FLSA).

On the other hand, employees doing maintenance work in a farm labor camp or "company town" would be covered by the Act, for they have been held not to have a "close and immediate tie with the process of production." For another example, icing refrigerator cars that are used to carry agricultural products in interstate commerce is not excluded. 13

In addition to its exclusions from minimum wage provisions, the Fair Labor Standards Act contains a discriminatory clause excluding from the maximum hours portion of the law (i.e., time-and-a-half beyond 40 hours a week) those employees engaged in the first processing, canning, or packing of perishable or seasonal agricultural or horticultural commodities during seasonal operations, or in the handling, slaughtering, or dressing of poultry or livestock, if such activities do not exceed a period of more than fourteen work weeks in any calendar year. The first processing of dairy products, cotton, cottonseed, sugar beets, sugar-beet molasses, sugar cane, and maple sugar is similarly excluded.

Not only those employees actually engaged in first-processing operations, but also those whose work is "incidental and necessary thereto" are excluded. 17

To come within the foregoing provision, the work of the employees must be confined to such first processing operations. First processing of fresh fruits and vegetables has not ended until it has been converted into a non-perishable form, or as long as a "converting" process continues which cannot be halted prior to consumption. It has elsewhere been interpreted as "the processing which first results in a marketable product. There must be a significant change in the product to qualify as "processing." Food frozen by an artificial means or stored in a cool place or subjected to steam has not been processed, according to an interpretation of the law.

The point we are trying to make is that the maintenance of the fiction that there is a difference between agricultural and industrial pursuits has, for nearly three decades now, needlessly tied up the courts and enforcement agencies, and led to a maze of inconsistent and even incoherent interpretations. It has tended to substitute a rule of arbitrariness for a rule of law, which is an unhealthy state, and should be added to the long list of reasons why this unfair and unfounded discrimination must be expunged.

To the extent that S. 1864 and S. 1865 retain any attempt to distinguish between agricultural and non-agricultural present form, they do so in several respects, such as the failure of S. 1864 to extend the overtime provisions to agriculture — they should be modified in the direction of "parity", for reasons of enforceability, not to mention social justice.

S. 1866

Compelling reasons for collective bargaining legislation are set forth in the Declaration of Policy of the national Labor-Management Relations Act itself. We quote in part:

"Industrial strife which interferes with the normal flow of commerce and with the full production of articles and commodities for commerce, can be avoided or substantially minimized if employers, employees, and labor organizations each recognize under law one another's legitimate rights...

"The denial of some employers of the right of employees to organize and the refusal by some employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the effect of burdening or obstructing commerce.

"The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce....

"Governmental authority has permitted and encouraged employers to organize in the corporate and other forms of capital control. In dealing with such employers, the individual unorganized worker is helpless to exercise actual liberty of contract and to protect his freedom of labor..."

Accordingly, under the "commerce clause", it was declared to be the public policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection."

Really, there is very little we or anyone else needs to add to this language. If the foregoing line of reasoning is sound for other industries, then, obviously, it is sound for the industry of agriculture as well.

There are only three significant exclusions from the Act: family domestics, individual employees of a parent or spouse, and agricultural workers. It was evidently assumed (there was actually little open debate on the point) that in each of these three categories of employment there would never be a need for collective bargaining, since the number of employees working for a given employer would be very small, there would be a personal relationship, and the kinds of conditions leading to strikes would simply not obtain.²⁰

At least insofar as agriculture is concerned, this rationale is patently insupportable, as, indeed, it was at the time of the passage of the Act and its predecessor, the Wagner Act. The process of industrialization in agriculture has been under way for a long time, and everywhere that it is under way, precisely the kinds of industrial strife have occurred which the Wagner Act and the Taft-Hartley Act were designed to mitigate. Agricultural commerce in California has repeatedly been disrupted by labor unrest for nearly a hundred years, whenever the workers weren't outright serfs -- and, interestingly enough, even the workers who were at first so attractive to California agribusinessmen because of their serflike qualities, have, each in turn, begun to protest their dehumanization. It happened with the Chinese; it happened with the Japanese; it happened with the Dust Bowl refugees, it happened on occasion with braceros; it is happening at this very moment, as it has off and on for nearly forty years, among Filipinos and Mexican-Americans.

It is almost a total inversion of the truth for anyone to say that the types of conditions requiring collective bargaining do not obtain in agriculture. The conditions leading to strikes are present every bit as conspicuously as they ever were in the mines or the indoor sweatshops. The so-called "personal relationship" between employer and employee would not be an acceptable basis for resolution of differences even if it existed—but it is almost wholly a myth. The proportion of absentee ownership is probably higher in industrialized agriculture than in most other forms of commerce.

And so we have a long, bitter strike in Delano--the latest in hundreds of strikes which have hurt both agricultural workers and growers, unnecessarily. Most strikes in California agriculture have been essentially unnecessary, because most have revolved around the right of workers to representation. In any and every other industry, there is a mechanism for settling the question of representation which precludes strike action. Whenever a petition is filed with the Labor Relations Board alleging that a substantial number of employees wish to be represented for collective bargaining and that their employer declines to recognize their organization or their representative, there is an investigation, and if there is "reasonable cause" there is a hearing, and if there is "reasonable cause" after that, the Board conducts a representation election by secret ballot. If 30% of the employees have signed authorization cards with a particular representative, an election becomes mandatory. The employer is not without rights. He is free to politick among his employees, to encourage them to vote for no union, or to vote for some particular union (although he is not entitled to invent a "company union", or to use his power of hiring and firing to influence votes). If and when one particular bargaining representative wins a majority of the valid votes cast, the matter is settled. The employer is obliged to bargain in good faith with that employees' representative, for the purpose of meaching a written contract. If the employer (or, for that matter, the union) refuses to bargain, or does so in bad faith, it is an unfair labor practice. The Labor Relations Board has the authority to petition a court for the enforcement of a cease and desist order, and for appropriate temporary relief or restraining order. If the employer (or the union) continues to refuse, he is guilty of contempt of court, and various penalties are available.

In Delano, growers claim, with the same threadbare claim California growers have used in such situations from time immemorial, that the unions "don't really represent anybody," and the workers "don't really want to belong to any union." But how strange it is that neither the Delano growers nor any other California growers have ever been willing to put this claim to the only rational test: let the workers vote, and find out who is right and who is wrong! The Los Angeles Times (Feb. 11, 1966) reports that the Di Giorgio Corporation would be willing to hold an election when Congress sets up appropriate legal procedures. We trust that this giant corporation will support S. 1866 so as to establish these procedures.

And how strange it is that growers have from time immemorial, and are still, going to extraordinary lengths to keep workers who have walked off the job from communicating with those who are still on the job, or who have been imported as strikebreakers. This conduct would constitute an unfair labor practice in any other industry. And, to anyone not blinded by self-interest, it casts fatal doubt on growers' claims that their workers are not interested in unionism. Obviously, farm workers are very much interested in unionism—so much so that they have to be "protected" against it, in very much the same way persons in the "workers' paradise" of East Germany have to be "protected" against the evils of other ideas by the Berlin Wall.

In addition to all the legal, economic, and moral arguments which could and should be made for removing the agricultural exclusion from

the Labor-Management Relations Act, much the same point may be made which we have already made with respect to the Fair Labor Standards Act: in practice, the double standard becomes an administrative monstrosity and a logical absurdity. A vertically integrated corporation (an increasingly dominant pattern in agriculture) not only grows crops on its own land, but packs them and ships them for the fresh market, or cans them under its own brand names. In perhaps 90% of its operations, it is covered by the collective bargaining law, and functions under union contract; but in the 10% of its operations which involve field workers, it claims it cannot function under union contracts and must be excluded from collective bargaining laws. Examples of this schizophrenia which lawgivers are asked to take seriously: California Packing Corporation, Libby's, Stokeley-Van Camp, and Schenley Industries and DiGiorgio Corporation which are involved in the Delano strike.

When required to decide precisely which activities are "agricultural" and not within the scope of the Act, and which activities are "industrial" and thus subject to the jurisdiction of the Board, courts have had as much difficulty as they have had with the FLSA. For example, workers in some packing sheds are excluded, some are included. And if precisely the same operation is moved out from under a roof, and performed "on wheels"—a device widely used by lettuce growers and others in California—it ceases to be covered.

Work does not need to be strictly related to the crop to be "agricultural", but, on the other hand, every work related strictly to the crop is not of necessity "agricultural". 23 The test is said to be that "the nature of the work modified by the custom of doing it" determines whether the worker is or is not an agricultural laborer. 24 When the product of the soil leaves the farm, and enters a factory for processing and marketing, it has, in general, entered upon the status of industry. However, if the packing and preparing of agricultural products for the market is performed for the same person who grows the products, as part of a single enterprise, the labor necessary to do so will be considered agricultural 25, unless the agricultural products are mingled with those of others in order to be processed, packed, and sold, in which case the work in the plant has been held to be commercial rather than agricultural.

We trust that we have established the point, by these few citations from among many hundreds, that a rational basis for distinction, within the congressional intent stipulated in the Act itself, is not descernible.

Growers are wont to fall back on the excuse that they are entitled to special status because their industry is highly seasonal. As a matter of fact, it is one of the weakest of possible arguments. Those of us in California, and particularly those of us in the San Francisco Bay Area, are well aware of what happened in an industry of even more sporadic employment. At one time, there were a number of independent stevedoring companies which did their own hiring of longshoremen, in much the same manner as farm labor contractors today, or the larger agricultural corporations who may do their own hiring. After a series of bitter strikes in the early and middle 1930's, and after the passage of the Wagner Act, the independent stevedoring companies organized themselves into the Pacific Maritime Association, which bargains collectively with the longshoremen's union. The PMA and the ILWU jointly

operate a dispatching hall (i.e., a hiring hall), and today there is no stronger champion of this dispatching hall than the PMA.

The decasualization of labor, wherever it has taken place, has proved a mutual benefit to both employers and employees. It is so obvious the same thing would happen in agriculture we do not feel that we need belabor the point.

The time has passed when California growers—and growers elsewhere, as theyfollow the trail California agriculture has blazed—can keep the lid on the pressure cooker which they themselves have brough to the boiling point. There is no longer a question of whether or not

where, as they follow the trail California growers—and growers else—can keep the lid on the pressure cooker which they themselves have brought to the boiling point. There is no longer a question of whether or not things will remain as they are. They are intolerable, and they are going to change. The only question is how they are going to change. Although there are a number of possible variations and combinations, two basic possibilities emerge. One is for government to assume increasing surveillance over agricultural labor, by regulation, as it has done, for example, in the case of the Secretary of Labor's wage and other criteria for the hiring of foreign nationals.

The other route is for agricultural employees and employers to alter their conditions, jointly, by means of contract. One of the most cherished rights in our free enterprise system is the right to negotiate, bargain and enter into contracts. Any group of workers who do not have that right vis-a-vis their employers are not really free men. It is a bitter, bitter irony—and one to which agricultural workers are not insensitive, by the way—that the government of the United States spends untold billions on "freedom" for agricultural populations in far-flung corners of the globe, but has refused to take the three or four relatively simple legislative steps which would extend freedom to agricultural workers on our own land.

We commend the Subcommittee on Migratory Labor for its efforts to bring about social justice in rural America.

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There was not even a single day's rest in this incredible month. The Peregrinacion began the very next day, after the Williams Subcommittee left Delano...

DAY BY DAY WITH THE FWA

March 17: (from an FWA press release)

DELANO, CALIFORNIA -- 70 farm workers and their wives ... set out from this small town (today) to march on foot 300 miles to the state capitol. ... The march, the latest dramatic development in the strike, combines the Spanish tradition of religious pilgrimage -- the "Peregrinacion" -- with the contemporary protest march. ...

(Ed. Comment: We used to despair of the farm labor movement's ability to compete with the multi-million dollar public relations apparatus of California agribusiness. But now, obviously, it is agribusiness which cannot compete with The Movement. We do not suggest that the march to Sacramento was conducted primarily for its public effect. But that was one of the functions it served -- along with revitalizing the faithful, turning the interest of the Catholic hierarchy toward social justice as never before in this state, and many other effects. All in all, a brilliant inspiration. The most authoritative statement on the origins of the march comes from FWA's own publication, El Malcriado:

"The historic perigrinacion began with an idea in 1957. Cesar Chavez was organ-. (One izing farm workers in the El Centro area and dreamed...of marching from the Mexican border to the state capitol to dramatize the terrible problems of workers... Last fall, someone proposed that five families on strike make a pilgrimage from Delano to Washington, D.C. and on to Schenley's national headquarters in New York. ... In January a priest came to Delano and reminded strikers of the coming Lenten season. Some of the strikers from Old Mexico recalled Lenten pilgrimages they had made Then earnest discussion about an appropriate destination for the march began. Some said it should go to Mexico to protest illegal recruitment of strikebreakers. Others said San Francisco, to the west coast headquarters of Schenley and DiGiorgio ... Others said that in Sacramento is the root of the farm worker problem. One day in February William Bennett came to Delano to discuss the California Fair Trade Act and its protections to the liquor industry. Bennett said that the California legislature not only denies famm workers the right to a minimum wage but also guarantees their adversaries like Schenley the right to a high, fixed price on all liquor they make. After that, most people decided that Sacramento was, indeed, the best destination for the peregrimacion.")

March 18: (from the Sacramento Bee)

DUCOR -- Carrying an embroidered silk tapes try (of Our Lady of Guadalape), 60 striking grape pickers resume today...their march to the California capitol... The farm workers...trudged 15 miles Thursday from Delano to Ducor... At the end of the first day's hike, they scattered among farm worker families in the Ducor area for food and shelter. Since they carry no food and have no plans for shelter, they hope to depend on such workers the entire 25 days of the march.

(Ed. Comment: Another respect in which the march was outstandingly successful was that it served as an organizing instrument all along the way.)

March 19: (from the Sacramento Bee)

PORTERVILLE -- Footsore farm workers were to march north from here today on the third day of their 300-mile, 25-day walk... Archbishop Joseph T. McGucken of San

^{*} Candidate for Attorney General in the Democratic Party primary in June.

Francisco has authorized three Catholic officials to join the march today. They are Father Eugene Boyle...John F. Delury...and Eduardo Lopez...

(Ed. Comment: As reported elsewhere in this issue, all eight of California's bishops had, earlier in the week, joined in a statement supporting the unionization of agricultural workers.)

March 20: (from the Sacramento Bee)

LINDSAY -- Joined by sympathizers, protest marbhers of the National Farm Workers Association went Saturday to Lindsay...their ranks swelled to about 130 men and women...

'(Ed. Comment: The newspapers, particularly during the early part of the march, before they learned how truly innovative this movement is, simply could not conceive of the pilgrimage in any terms but "protest." As Easter Sunday approached, more and more reporters began to recognize that it was, among other things, a religious exercise, and secular frames of reference just did not apply.)

March 21: (from the San Francisco Chronicle)

FARMERSVILLE -- ... The marchers were to spend the night here after hiking an eight-mile leg from Lindsay.. Father (Eugene) Boyle issued this statement as he entered Farmersville: "I see this as the most important breakthrough in the history of farm labor in California and the United States. Through my participation in the pilgrimage today I have found the people have a great florward momentum. It is evident to me that the farm workers will carry this to a successful conclusion..."

March 22: (from he Sacramento Bee)

VISALIA -- ...On the route yesterday was a farm labor camp operated by Tulare County. A U.S. Senate subcommittee...visited the camp March 14 and at that time the subcommittee's chairman, Sen. Harrison Williams, D-N.J., called it "the worst public housing I have over seen."

March 23: (from the San Francisco Chronicle)

Episcopal Bishop James A. Pike added his voice here yesterday to those of other major church leaders in support of the San Joaquin Valley's striking vineyard workers. The bishop urged clerical and lay members of his California Diocese to "participate actively" in the strikers' protest march through the Central Valley and to otherwise work in their behalf.

(Ed. Comment: Welcome to the club, Jim. Seems like only last year you were joining Salinas Valley growers in their call for more braceros. In fact, it was last year.)

March 24 (from the San Francisco Chronicle)

Governor Edmund G. Brown promised yesterday to try to meet with the "dedicated" vineyard strikers who are marching through the Central Valley to Sacramento

(Ed. Comment: Thus began a now-you-see-him-now-you-don't game with the governor, no mean hand at public relations himself. But in his attempt to have it both ways
-- to pose as a friend of farm workers, yet to avoid meeting them on the steps of
the Capitol Building on Faster (an announced objective of the march) -- Brown came
out smelling unlike a rose. He not only chose the company of Frank Sinatra on
Easter, but failed to meet the marchers anywhere along the line of march to
Sacramento.)

March 25 (from the San Francisco Chronicle):

Leading grower and Catholic spokesmen clashed here yesterday over the role of the church in California's seven-month-old vineyard workers' strike. No sooner had Catholic leaders reiterated their "full support" for strikers, at a morning press conference, than a grower attacked the leaders...as uninformed "agitators" unrepresentative of their congregations.

Martin Zaninovich of Delano...at the Fairmont Hotel for a meeting of the California Grape and Tree Fruit League, challenged the churchmen to poll members of their congregations on whether they want them to support the strikers.... Father Boyle said, in effect, that the role of priests is to lead, not follow, their congregations.

gregations, ...

Zaninovich (said), "It is certainly evident to me...that religious hierarchies have elected to abdicate their positions as representatives of all churches by entering into the field as union organizers...pitting Christian against Christian in a pure economic struggle....church leaders had better start looking for other financial means to carry out these radical theories they are attempting to force upon us."

If they don't, he added, "perhaps it is about time that they, like any other political organization, be relieved of their tax exempt status and start paying

their own way ."

(Ed. Comment: No comment. We are quite happy to let the growers: theologians speak for themselves.)

March 26 (from the San Francisco Chronicle):

FRESNO - A leader of California's striking Delano vineyard workers responded bluntly yesterday to Governor Edmund G. Brown's promise to try to "pay his respects" to strikers marching through the Central Valley... "We are not interested in respect from the Governor," said Cesar Chavez... "We are interested in action."

Yesterday, the marchers reached Fresno, to be greeted at the City Hall by Mayor

Yesterday, the marchers reached Fresno, to be greeted at the City Hall by Mayor Floyd Hyde. He wished them a "good, successful journey." Thursday night, before the City Hall visit, marchers and more than 1000 sympathizers jammed a movie theater in West Fresno for a four-hour rally.

(Ed. Comment: Yes, the rallies did tend to be a little long, sometimes ...)

March 27 (from the San Francisco Examiner):

...Cesar Chavez, who organized all this and heads the embattled farm workers union, is confident that he and his followers will make it to Sacramento. ...he thinks that even if the march does not win any support from the state Legislature, it is already a success because it has dramatized the problems and determination of the strikers.

Chavez walked with a cane because of a pulled muscle. About half of the others — young and old, Mexicans and Anglos and a few Negroes — also limped a bit because of blisters and sore feet. But they shared Chavez's confidence. "We are tired," admitted 19 year old Emma Agarno of Delano. "But we are strong." Emma quit school when she was thirteen and had worked as a grape picker until the strike began last fall. "I didn't have enough clothes to go to school, I was ashamed." Now, she said, she was marching and she was no longer ashamed.

A dozen others expressed almost the same sentiments ...

March 28 (from the Sacramento Bee):

MERCED -- The Delano-Sacramento protest march of the National Farm Workers
Association moved on 17 miles to Merced today after an overnight stop in Chowchilla.
...Sunday, the demonstrators marched from Madera to Chowchilla.

March 29 (from the San Francisco Chronicle):

o Striking vineyard workers reached the half-way point yesterday in their 25-day protest march... The 80 or so marchers, on the road for 12 days now, hope to reach the capital by Easter Sunday to demand the legal protections granted most non-farm workers.

Yesterday, they were promised support from the State's Community Service Organizations, in resolutions adopted at the Statewide convention of the Mexican-American groups.

March 30 (from a press release by Citizens for Farm Labor):

The striking vineyard workers en route to Sacramento in a pilgrimare...are being joined today by a delegation of Citizens for Farm Labor -- a Bay Area group. The evening rally at Turlock (will include) Joan London, member of CFL Executive Committee, and daughter of the famous Jack London, whose definition of a strikebreaker has been read by the Delano workers as they picket the vineyards of the area in their efforts to halt "scabbing." -

(Ed. Comment: By this time, the nightly rallies were attracting luminaries at every stop -- an aspect of the pilgrimage which was little-reported, apparently because it was out of phase with reporters' deadlines.)

March 31 (from Arthur Hoppe's column in the San Francisco Chronicle):

...There they came. Less than a hundred of them, walking single file, facing the traffic. ... How colorful they looked. How brave. The gold-embroidered banner depicting Our Lady of Guadalupe at the fore, the American flag, the Mexican flag and a dozen red pennants with black eagles -- symbol of the National Farm Workers Association. ...

And yet in that vast, endless flatness of the valley, amidst the roaring trucks and swooshing cars, what a tittle band they seemed. What a tiny splash of color. ...

Why had they come? ... Partly it was religious. "This is not a protest march," said one leader. "... We are doing penance in the Lenten season. It is part of the Mexican culture." ... Partly it was political. ... "Already we have found the strength in unity," said another leader with a smile. "While one farm worker cannot sleep in a park, a hundred can."

Partly it was to spread the movement. "Each town we stop in, the Mexicans, they feed us and put us in their houses. They come to our meetings and sometimes they weep."

Partly it was their leader, Cesar Chavez, a handsome, funny gentleman, whom they talked about almost as thoughhe were holy. "If we get to Sacramento and Cesar says we go to Washington," said one tall young marcher with a shrug, "I say, okay, I go to Washington."

But mostly it was personal. ... a middle-aged man talked about how he had picked grapes "ever since I was a little kid." And maybe, he said, "That is all I ever do."

Perhaps it was imagination. But he seemed to raise his black and red banner higher.

... So on they went... What a tiny band they seemed in that endless valley with its vast farms... Yet you couldn't help feeling that each man -- in his own very personal way -- had already won.

April 1 (from the San Francisco Chronicle):

Backers of California's striking vineyard workers announced plans yesterday for a "Boston Grape Party" in a drive for New England support. They plan to march to the Boston waterfront tomorrow and, just as their pre-Revolutionary War forebears did with English tea, dump boxes of grapes into the water. ...

In California, meanwhile, strikers were joined in the march from Delano.... Sacramento by two Roman Catholic nuns from Redwood City and four national AFL-C.O

officials.

April 2 (from the San Francisco Chronicle):

A Palm Sunday "meal and march" in behalf of California's striking vineyard workers will be held here tomorrow. Families at St. Francis Square...will be asked to donate to the striking farm workers an amount representing what they normally would spend on a Sunday family dinner...

April 3 (from the San Francisco Examiner)

Governor Edmund G. Brown told college students picketing a reception in his honor on behalf of the Delano grope strikers that he would work to put farm workers under the National Labor Relations Act. ... Brown said, "... But farmers have their problems too." In an interview at the Fresno Air Terminal earlier, Brown told newsmen he would meet with the strikers... but not on Easter Sunday...

April 4 (from the Sacramento Bee):
...marchers from the strike bound Delano vineyards paraded into Stockton some
550 strong. A mariachi band and two Mexican cowboys on horseback led the procession
through town to Washington Park for a rally last night.

April 5 (from the SanFrancisco Chronicle):

The (San Francisco) Board of Supervisors yesterday...voted unanimous support of the march to Sacramento of the striking Delano fruit pickers.

April 6 (from the Sacramento Bee):

10S ANGELES -- A major break in the months-long Delano grape strike came today when Schenley Industries, second-largest employer in the area, signed a recognition agreement with the independent National Farm Workers Association. The agreement provides for recognition of the union as the sole bargaining representative for the agricultural labovers employed by the firm in Tulare and Kern Counties. The agreement also recognizes that the majority of these workers have designated the NFWA as their bargaining agent. Further provided are negotiations (for) a written collective bargaining agreement (to) begin within 30 days.

(Ed. Comment: Less than two months ago (February 11), the Los Angeles Times reported that, of all the Delano area growers, Schenley was "strongest" in rejecting "proposals for secret-ballot elections to determine if field workers want to be represented by unions... "James E. Woolsey, vice president of Schenley Industries, Inc., ...said.... all our employees are working regularly. Neither we nor (they) want any further interference by NFWA... by way of an election or otherwise. The company official said the firm does not want to 'expose our employes to further and accelerated abuse by NFWA and allied intermeddlers. If our employes wanted to join NFWA they would have done so. The fact that they are working every day after four months of threats, intimidation and personal family abuse is evidence of high degree that our employes want nothing to do with NFWA (and) we will continue to respect (their) wishes..."

For a long time to come, whenever and wherever friends of the farm labor movement foregather, they are going to be asking, "What happened between February 11 and April 6 that made the difference?" Since no new objective evidence was brought to light (e.g., representation election results); Schenley spokesmen were tacitly

admitting, to anyone reading a bit between the lines, that they were not telling the truth -- either one time or the other. Why should they do this? Some of the theories we have heard: (1) The boycott was really hurting the company. (2) Schenley was trying to establish an image as a progressive, pro-labor firm, producing the "thinking man's" wines and liquors. (3) Behind-the-scenes pressure of Jewish philanthropic groups on Schenley's president, Lewis Rosensteil, was decisive. (4) The company, being Eastern-based, was not really part of the California agribusiness "club", and did not subscribe to the anti-union mystique which is nearly universal among the local fraternity.

No doubt these, and many other factors as well, entered into the Schenley decision, and the precise contribution of each will never be disentangled.)

April 7 (from the San Francisco Chronicle):

The agreement was reached after several days of discussion between (Schenley negotiator) Sidney Korshak, Cesar Chavez, William Kircher, national organizing director of the AFL-CIO, and AFL-CIO officials in Los Angeles county headed by William Bassett, chief of the county labor federation. ... Kircher made it clear that the AFL-CIO would like to take Chavez' group into its organization, but left unclear what this would mean for the AFL-CIO's Agricultural Workers Organizing Committee.

(Ed. Comment: This is the same William Kircher who, in the March, 1966, AFL-CIO American Federationist, managed to write four pages on "The New Challenges to Organizing" without mentioning farm labor once. The AFL-CIO discovery of NFWA raises a host of fascinating questions. Is Kircher acting with George Meany's knowledge and consent? Is Meany prepared to write off the more than \$2,000,000 AFL-CIO has put into AVOC? Why was Thomas Pitts so completely by-passed, in favor of his rival, William Bassett? What does Kircher mean by "take Chavez' group in?" As a department of some international union (technically, the Butchers' Union has jurisdiction)? As a "federal union" (autonomous local)? As a chartered international union in its own right? What does Cesar Chavez, who has fiercely guarded his independence through these years, think of all this? These are fateful questions. Bear them in mind as events unfold.)

April 8 (from the San Francisco Chronicle):

There yesterday from one of the Nation's most powerful agricultural employers. The DiGiorgio Corporation, for years a powerful foe of farm unionization, agreed to allow its field workers to vote on whether they want to be represented by a union. If the workers vote for unionization, said the San Francisco-based corporation, it will in turn negotiate a contract with the union they choose. ... DiGiorgio, condemning Schenley for agreeing to bargain without first having such "democratic votes" asked that the elections be held as soon as possible.

(Ed. Comment: The guessing game begins anew, Is this a genuine breakthrough?

Does DiCiorgio really see the handwriting on the wall? Is the company president to
be taken at his word when he sayd, "farm workers are entitled to bargain collectively," and "it's time enlightened people stepped forward to exercise leadership"?

Or is this an ingenious trap into which the company hopes the NFWA will take a

naive misstep? Who will vote in such elections? Is there a special purpose in
calling for a vote at this time of year, when there are few seasonal operations in
progress, and the great majority of the firm's 1,500-2,000 workers are year-around

employees? Does the company have reason to know, in advance, how these permanent
employees are going to vote? Will the company give NFWA access to these workers,
and time enough to conduct the slow, patient, methodical kind of worker education
which is the NFWA stock-in-trade? Or is the company calling for elections "as soon
as possible" precisely in order to obviate the possibility of such groundwork by
NFWA? These, again, are questions to bear in mind in the weeks ahead.)

April 9 (from the San Francisco Chronicle):

The way became clearer here yestenday for the holding of precedent-setting farm union elections at California's giant DiGiorgio Corporation. ... But first, (NFWA) director Cesar Chavez told a press conference, DiGiorgio would have to abandon the "unacceptable" conditions it attached to the offer... DiGiorgio...agreed...that any election be preceded by union-management talks aimed at working out the election procedures jointly. ...

Until elections are set up, said Chavez, the strike at DiGiorgio's Kern county farm will continue, as will plans for a nationwide boycott of (DiGiorgio) products.

(Ed. Comment: NFWA strategists have played their cards superbly up to this point, but did the hand of the potter shake, here, for the first time? Public opinion, which is vital to the movement so long as there are still no collective bargaining laws, may not be able to understand a boycott of a company which has already announced its willingness to grant essentially what the union has been asking for all along. What is the purpose of the boycott? To obtain a contract (a la Schenley) without elections? This would appear quite contrary to NFWA's democratic stance, and could lead to the lossof public sympathy in wholesale lots. This is a period requiring enormous skill on the part of NFWA leaders. They dare not allow themselves to be maneuvered into elections they are certain to lose. But, at the same time, they dare not allow themselves to be maneuvered into a position where they appear to be the obstructionists.

When we were with the old AWOC (1959-1962), we used to think the smartest thing the growers could do would be to "give in" before the union was ready. They did not do it at that time, but maybe it is what is happening now. NFWA is walking on eggs, and a blunder could set the movement back for years. But a statesmanlike course could lead on to ever-accelerating progress: enactment of a "Little Wagner Act" in 1967, perhaps; representation elections among all the titans of the industry in

1968; contracts the length and breadth of the state by 1969.)

April 10 (from the San Francisco Examiner):

A swelling throng of striking Delano grape pickers and sympathizers, walking single-file behind a huge wooden cross, encamped yesterday within view of California's gold-domed Capitol. ... the Governor reiterated his refusal to meet with the marchers drags he had promised to spend Easter Day with his family in Palm Springs. ... Farm/ha we no better friend in the country. But there are some things I won't do."

April 11 (from the Sacramento Bee):

In a giant rally at the Capitol steps, fired by cries of "Viva la Huelga (strike)!" the marchers threatened to call for a general farm labor strike if state collective bargaining laws are not passed. ... In the rally's major address, NFWA Vice President Dolores Huerta of Delano, "unconditionally" demanded Brown call a special session of the 1966 legislature to consider the marchers' demands.

April 12 (from the San Francisco Chronicle):

Governor Edmund G. Brown rejected a plea yesterday from California's vineyard strikers that he ask the Legislature to grant thomthe legal protections that cover most non-farm workers. ... But... the Governor did call yesterday for a new \$1.5 million program to broaden the educational opportunities of the children of migrants...

April 13 (from the Sacramento Bee):

Christian Brothers, a Roman Catholic Church order, recognized the National Farm= Workers Association Tuesday as bargaining agent for its employes in Napa County.

(Ed. Comment: Verily, the earth do move. Until fairly recently, Christian Brothers were embarrassing many and many a good Catholic by using braceros in their wine-making operation.)

-End-

BIG DENT ON POVERTY -- OR LITTLE DENT? by Cassandra P. Skeptick

A bill to amend the Fair Labor Standards Act has been favorably reported by the House of Representatives Committee on Education and Labor. The bill is numbered HR 13712, and is widely known as the Dent Bill, after the chairman of the subcommittee that drafted it (John Dent, Dem., Pa.). Principal features of the bill are as follows:

- 1. Increase the Federal minimum wage from its present \$1.25 an hour to \$1.40 on February 1, 1967, and \$1.60 on February 1, 1968.
- 2. Extend Federal statutory wage floors to an estimated 1.5 million retail clerks; 1.5 hospital and nursing home workers; 581,000 construction workers; 505,000 laundry and dry cleaning workers; 425,000 restaurant workers; 275,000 hotel and motel workers; 100,000 taxi drivers; 90,000 cannery and packingshed workers; 65,000 transit workers; 37,000 loggers; 34,000 cotton gin workers; 50,000 miscellaneous service workers; 960,000 miscellaneous industrial workers. (It is not only farm laborers who are excluded from the Fair Labor Standards Act.) These newly covered workers would be covered at \$1.00 an hour, February 1, 1967, and go to \$1.60 in 15-cent yearly steps, ending February 1, 1971.
- 3. An estimated 485,000 agricultural workers would be covered under a different formula. They would start at \$1.00 an hour, February 1, 1967; go to \$1.15 an hour on February 1, 1968; and stop at \$1.30 an hour on February 1, 1969. Workers will be covered only on farms which employ 500 or more man-days of labor in any given three-month period, and, furthermore, the following types of man-days will be excluded from the computation: hand harvest labor, paid at piece rates, performed by persons commuting to work daily from permanent homes, who worked in agriculture less than 13 weeks during the year. The intent, in short, is to cover primarily farms which employ substantial amounts of migratory labor: an estimated 1.4% of the farms in the country.

Growers have gone off half-cocked, in reflex opposition to the bill. The Council of California Growers Newsletter, March 28, 1966, for example, claims that "practically all farms in California would be covered by the law" -- based on a deliberate or inadvertent misreading of the bill (500 man-hours instead of man-days). The Council goes on to say, "California agriculture...objects to the destruction of the piece rate which is so necessary...especially during fast moving harvest periods." Well, even assuming the piece rate is so sacrosanct as all that, we can tell growers how to preserve it if they are determined. Just hire people from the local area, for less than 13 weeks altogether, and they'll be excluded from the law.

Persons who consider themselves friends of the poor generally, and farm workers specifically, are of two minds on the Dent Bill. The National Advisory Committee on Farm Labor (New York) and National Council on Agricultural Life and Labor advisor us to give the Dent Bill every possible support. NACFL writes, "It would be foolish to withhold support for this new minimum wage bill simply because it does not satisfy every demand. It is an important and necessary start. If it passes, farm workers...will be encouraged to continue their struggle." NCALL writes, "Friends of farm worker coverage in the House feel...that this is the strongest language which the House will accept -- that is, the smallest retreat necessary to ensure adoption of the principle. ...(The) level can be modified over the years as the industry becomes accustomed to the principle of coverage and gains experience with it."

Others are not so easily satisfied. New America, March 26, 1966, states:
"The compromise on the minimum wage bill that is coming out of the House Education and Labor Committee is a clear in cation that there is no effective liberal coalition on economic questions. ... It is significant that Congressman Adam Clayton Powell, Chairman of the House Labor Committee and the representative of the largest Negro community in the U.S. was instrumental in weakening the bill.
... (But) the major responsibility for defeat in this first round of struggle for the minimum wage must clearly fall on the Johnson Administration. ...if Johnson had wanted a better bill, Johnson could have had one. ...a decent minimum wage could have more of an effect on the economic life of the Negro community and be a mor significant step in the fight against poverty than all the Office of Economic Opportunity programs combined."

For our part, we aren't going to make any accusations, or lay down any imperatives. We just want to ask some questions.

- I. What is the "principle" that the National Council on Agricultural Life and Labor refers to? The principle that we see in the Dent Bill is the principle of a double standard between agriculture (\$1.30 maximum) and all other industries (\$1.60 maximum).
- 2. Another principle that we see is a double standard between local seasonal workers (excluded) and full-time migrants (covered). Will someone please explain to us the logic or justice of this distinction?
- 3. Will someone explain who is going to conduct the investigations to determine which of the country's 1.3 million hired farm workers "worked in occupations which have traditionally been paid piece rates," "commuted to work daily from their permanent homes," "worked in agriculture less than 13 weeks over the previous year", etc.?
- 4. Will someone explain to us how anyone who knows or cares a whoop about poverty could in good conscience vote for a wage level certain to yield less than \$2,000 a year?
- 5. And while they are at it, will they explain to us why the poor should wait until 1971 to ascend to the top rung of their substandard statutory levels? That is five years from now. Doesn't anybody know how fast the world is moving? Doesn't anybody know how much is going to happen within five years? For one thing, corporation profits are going to be at least 100% higher than they are now.
- 6. By what mandate do the Fastern liberal non-membership organizations make policy for agricultural workers? We would be mightily interested to know what would happen if the present strategy were submitted to the membership of the National Farm Workers Association, for example. We think we know.
- 7. What is going to be further compromised when the Dent Bill reaches the floor of the House? (It may happen before this issue of Farm Labor is in your hands.) Here's a clue. At the Sacramento hearing of the Williams subcommittee, Congressman Hagen asked Wm. Kircher, AFL-CIO Director of Organization, "Are you going to hang tight on your insistence for inclusion of farm workers, or are you going to give in as a trade for higher levels (for other workers) as you did last time?" After considerable hesitation, Kircher said, "I don't know."

Do as you choose about the Dent Bill. As for us, we think we'll go on a sking questions until we get some answers.

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